

RECEIVED
CENTRAL FAX CENTER

JUL 28 2008

LEIGH P. GREGORY

ATTORNEY AT LAW

P.O. BOX 168
CLEMSON, SOUTH CAROLINA 29633-0168
TELEPHONE (757) 642-6039
FACSIMILE (864) 654-4315

PATENTS, TRADEMARKS & COPYRIGHTS

DATE: July 25, 2008
TO: USPTO
Fax: 571-273-8300
RE: U.S. Serial No. 10/728,321
Our file: HOP-1

Pages (including cover): 31 pages

Contents:

Transmittal form (1 pg.)
Brief on Appeal (28 pages)
Credit Card payment form (1 pg.)

The documents accompanying this telecopy contain confidential and legally privileged information belonging to the sender and intended only for the use of the individual named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of the telecopied information is strictly prohibited. If you receive this telecopy in error, please telephone the sender noted above to arrange for the return of the telecopied documents at no cost.

JUL 28 2008

PTO/SB/21 (01-08)

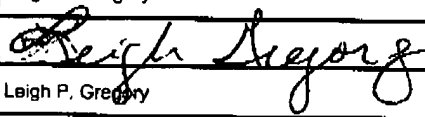
Approved for use through 07/31/2008, OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

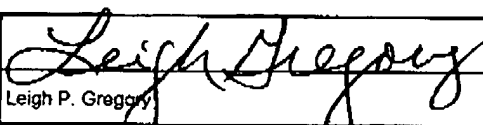
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/728,321
	Filing Date	December 4, 2003
	First Named Inventor	Hopkins
	Art Unit	1794
	Examiner Name	Ferguson, Lawrence D.
Total Number of Pages in This Submission	Attorney Docket Number	HDP-1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Leigh P. Gregory		
Signature			
Printed name	Leigh P. Gregory		
Date	07/25/2008	Reg. No.	33,241

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Leigh P. Gregory	Date	07/25/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

JUL 28 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/728,321
Applicants : Hopkins
Filed : December 4, 2003
TC/A.U. : 1794
Examiner : Ferguson, Lawrence D.
Title : High Modulus Thermoplastic Films and
Their Use as Cash Register Tapes

Docket No. : HOP-1
Customer No. : 29698

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

Sir:

The present Brief on Appeal is filed for the consideration of the Board of Patent Appeals and Interferences in accordance with 37 CFR §41.37 in response to the Final Action of May 12, 2008. A Notice of Appeal was filed on June 23, 2008.

Appl. No. 10/728,321
Appeal Brief dated 07/25/08

Table of Contents

<u>Section</u>	<u>Page</u>
Real party in interest	3
Related appeals and interferences	4
Status of claims	5
Status of amendments	6
Summary of claimed subject matter	7
Grounds of rejection to be reviewed on appeal	8
Argument	9
Claims appendix	13
Evidence appendix	17
Polymer stress/strain curve from Polymer Science and Technology, Joel R. Fried, 1995, Prentice Hall PTR, pg.167	18
Matsui, et al. (US Patent No. 4,996,182)	20
Related proceedings appendix	28

Appl. No. 10/728,321
Appeal Brief dated 07/25/08

Real Party in Interest

The inventor, Mr. Thomas Hopkins of Greenville, South Carolina, is the real party in interest. The present application has not been assigned or licensed to any other entity.

Appl. No. 10/728,321
Appeal Brief dated 07/25/08

Related Appeals and Interferences

There are no related appeals or interferences known to the applicant.

Appl. No. 10/728,321
Appeal Brief dated 07/25/08

RECEIVED
CENTRAL FAX CENTER
JUL 28 2008

Status of Claims

Claim 1 – rejected
Claim 2 – rejected
Claim 3 – rejected
Claim 4 – rejected
Claim 5 – rejected
Claim 6 – rejected
Claim 7 – rejected
Claim 8 – rejected
Claim 9 – rejected
Claim 10 – rejected
Claim 11 – cancelled
Claim 12 – rejected
Claim 13 – rejected
Claim 14 – rejected
Claim 15 – rejected
Claim 16 – rejected
Claim 17 – rejected
Claim 18 – rejected
Claim 19 – rejected
Claim 20 – rejected
Claim 21 – cancelled
Claim 22 – withdrawn
Claim 23 – withdrawn
Claim 24 – withdrawn
Claim 25 – withdrawn
Claim 26 – withdrawn
Claim 27 – withdrawn
Claim 28 – withdrawn